

ing or projecting over the said roads within fifteen feet above the surface thereof, or shall in any other manner fail or neglect to perform the duties of a supervisor of the said roads according to the directions of this act, every such supervisor so failing or neglecting, shall forfeit and pay a sum not less than five dollars nor more than twenty-five dollars, in the discretion of the circuit court, for every offence, except in the time of wheat harvest, to be recovered by presentment or indictment of the grand jury as other forfeitures are now recovered.

**Power to take and remove stone.** SEC. 3. *And be it enacted,* That it shall and may be lawful for the several and respective supervisors of the said roads, and they are hereby authorised and empowered, as often as need shall require, to dig, take and remove any stone, gravel or earth of firm quality, which may be found on any lands adjoining the roads for which the same may be necessary, and to employ the same in the repairing of causeways over the heads of rivers, creeks, branches, swamps, or other low, miry places, through and over which the said roads may pass, to cut down or cause to be cut down any tree or trees growing on any of the next adjacent lands, to such places where bridges may be necessary as aforesaid, and the same trees to maul or saw and carry away from off such lands, and to apply the same to the making and repairing of the bridges and causeways; *Provided, however,* that the said supervisors or their deputies or agents before they proceed to cut any timber or remove any earth or gravel as herein before provided, shall consult the owners of the lands whereon the timber is growing and the earth or gravel is situated, if the said owner is residing in the neighborhood, or if not, then the tenant occupying said lands, where it is most agreeable to cut said timber or take said earth or gravel, and if they can agree on the place from which said timber is to be cut or earth to be removed and the price, then the said supervisors, their deputies or agents, shall take the said earth or timber from the place indicated by the owner or tenant as aforesaid, but in case they cannot agree, then the said supervisor, his agent or deputy, shall summon a jury of twelve men, who shall decide the matter in controversy between the owner of said timber or earth, and the supervisor or his agent or deputy, and if in their judgment, the wants and interests of the public require the timber or earth, they shall and may proceed to condemn and value the same, and after the condemnation aforesaid, the said supervisor, or his agent or deputy, may proceed to remove said timber or

**Provisoos.**